

ROBERT LEE CARTER, SR.,)
)
 Plaintiff,)
)
 v.) No. 4:09CV329 RWS
)
 DIVISION OF FAMILY SUPPORT,)
)
 Defendant.)

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The Court has reviewed plaintiff's financial affidavit and finds that plaintiff cannot afford to pay the filing fee. As a result, the Court will grant the motion.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964 for alleged employment discrimination. “In order to initiate a claim under Title VII a party must timely file a charge of discrimination with the EEOC and receive a right-to-sue letter.” Stuart v. General Motors Corp., 217 F.3d 621, 630 (8th Cir. 2000). Plaintiff says in his complaint that he has not received a right-to-sue letter

from the EEOC. As a result, plaintiff has not exhausted administrative remedies before bringing this suit. The Court will, therefore, dismiss this action without prejudice.

Accordingly,


IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel is **DENIED** as moot.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 2nd day of March, 2009.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE